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COMMITTEE AGAINST TORTURE

Twentieth session

SUMMARY RECORD OF THE FIRST PART (PUBLIC)* OF THE 318th MEETING

Held at the Palais des Nations, Geneva,
on Monday, 4 May 1998, at 10 a.m.

Temporary Chairman: Mr. TER HORST
(Deputy High Commissioner for Human Rights)

Chairman: Mr. BURNS

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* The summary record of the second part (closed) of the meeting appears as document CAT/C/SR.318/Add.1.

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GE.98-15952 (E)

The meeting was called to order at 10.15 a.m.

OPENING OF THE SESSION BY THE DEPUTY HIGH COMMISSIONER FOR HUMAN RIGHTS (item 1 of the provisional agenda)

1. The TEMPORARY CHAIRMAN declared open the twentieth session of the Committee against Torture. He conveyed to the members of the Committee the High Commissioner's regret at being unable to attend the opening meeting. She hoped to have an opportunity to meet them in the near future. He paid tribute to the work accomplished by the outgoing members, Mr. Dipanda Mouelle, the former Chairman, Mrs. Iliopoulos-Strangas, the former Rapporteur, Mr. Regmi and Mr. Pikis. The latter, who had resigned for professional reasons, would be replaced until the end of his term of office by Mr. Mavrommatis. He then congratulated the newly elected and re-elected members of the Committee.

SOLEMN DECLARATION BY THE NEWLY ELECTED MEMBERS OF THE COMMITTEE (item 2 of the provisional agenda)

2. The TEMPORARY CHAIRMAN invited the five members of the Committee elected or re-elected at the Sixth Meeting of States Parties to make the solemn declaration provided for in rule 14 of the Committee's rules of procedure (CAT/C/3/Rev.2).

3. Mr. EL MASRY, Mr. SILVA HENRIQUES GASPAR, Mr. SØRENSEN, Mr. YAKOVLEV and Mr. YU Mengjia solemnly declared that they would perform their duties and exercise their powers as members of the Committee against Torture honourably, faithfully, impartially and conscientiously.

ELECTION OF THE OFFICERS OF THE COMMITTEE (item 3 of the provisional agenda)

4. The TEMPORARY CHAIRMAN invited the Committee to elect its Chairman.

5. Mr. YAKOVLEV nominated Mr. Burns for the office of Chairman of the Committee.

6. Mr. Burns was elected Chairman by acclamation.

7. Mr. YAKOVLEV nominated Mr. González Poblete, Mr. Camara and Mr. Zupančič for the office of Vice-Chairman.

8. Mr. González Poblete, Mr. Camara and Mr. Zupančič were elected Vice-Chairmen by acclamation.

9. Mr. YAKOVLEV nominated Mr. Sørensen for the office of Rapporteur.

10. Mr. Sørensen was elected Rapporteur by acclamation.

11. Mr. Burns took the Chair.

ADOPTION OF THE AGENDA (item 4 of the provisional agenda) (CAT/C/45)

12. The CHAIRMAN said that Mr. González Poblete had proposed amendments to the Committee's rules of procedure, which were contained in

document CAT/C/Misc.5. That document would be distributed as soon as it had been translated into the working languages. A new item 10, entitled "Amendments to the Committee's rules of procedure", would therefore be added to the agenda and other items would be renumbered accordingly.

13. The provisional agenda (CAT/C/45), as orally amended, was adopted.

ORGANIZATIONAL AND OTHER MATTERS (agenda item 5)

14. The CHAIRMAN said that the programme of work proposed by the secretariat was intended to serve as a guide but could be changed during the session as and when the need arose. The Committee's press conference could be arranged for the morning of Friday, 22 May. In accordance with established practice since the Committee's ninth session, 10 international organizations which took a close interest in the Committee's proceedings had been formally invited by the secretariat to provide information on the implementation of the Convention in the 10 States parties whose reports were to be considered at the current session. The information received had been made available to the members of the Committee or, in some cases, the country rapporteurs.

15. Mr. BRUNI (Secretary of the Committee) said that the Israeli delegation had asked to appear before the Committee on Friday, 15 May, instead of Tuesday, 19 May.

16. The CHAIRMAN said that, there being no objection, the request was granted.

SUBMISSION OF REPORTS BY STATES PARTIES UNDER ARTICLE 19 OF THE CONVENTION (agenda item 6)

17. Mr. BRUNI (Secretary of the Committee) provided an update on the status of submission of reports. Of the 103 initial reports which had fallen due between June 1988 and May 1998, 68 had been submitted; initial reports from 21 of the remaining 35 States parties were more than three years overdue, namely: Uganda, Togo, Guyana, Brazil, Guinea, Somalia, Estonia, Venezuela, Yemen, Benin, Bosnia and Herzegovina, Cape Verde, Cambodia, Latvia, Seychelles, Antigua and Barbuda, Burundi, Slovakia, Slovenia, Costa Rica and Ethiopia. Those States had already received between 5 and 15 reminders, including in some cases letters from the Chairman of the Committee to the Minister for Foreign Affairs. In addition, the Committee had, at its eleventh session, requested Belize to submit a new version of its initial report, which had been too brief, by 10 March 1994. Despite five reminders from the secretariat and a letter from the Chairman to the Minister for Foreign Affairs, the document had not yet been received.

18. Of the 75 second periodic reports that had fallen due between June 1992 and April 1998, 42 had been received; reports from 18 of the remaining 33 States parties were more than three years overdue, namely: Afghanistan, Austria, Belize, Bulgaria, Cameroon, Luxembourg, Philippines, Togo and Uganda (1992), Guyana, Tunisia and Turkey (1993), Australia, Brazil, Guinea and Poland (1994), and Somalia and Malta (1995). Those States had received up to eight reminders. Twenty-six third periodic reports had been requested for 1996, of which 10 had been submitted and 16 were more than one year overdue.

The States concerned had received a first reminder. In addition, nine third periodic reports had been requested for 1997, none of which had yet reached the secretariat. On the other hand, the secretariat had received the third periodic report of the United Kingdom, requested for January 1998.

19. Following the consideration of its third periodic report, Mexico had sent supplementary information in response to members' questions that had been left pending. The information had been brought to the notice of the rapporteurs for Mexico. In addition, the United Kingdom had transmitted, for purposes of information, a biannual report (July-December 1997) on the general situation in Hong Kong. That document was available to members of the Committee. Lastly, aside from the 10 reports scheduled for the current session, 6 further reports had been received; they would be included in the programme of work for the next session (Croatia, Hungary, Iceland, Tunisia, United Kingdom and Yugoslavia).

20. The CHAIRMAN drew attention to the fact that many States parties were very late in submitting their reports, some had already received more than a dozen reminders and quite a number had not even submitted their initial reports. Some of the smallest and poorest countries might find the reporting obligation particularly burdensome because of their meagre resources, and the Committee could therefore afford to show patience, but others seemed to have no excuse. The Committee must consider what steps it could take to remedy the situation.

21. Mr. SØRENSEN said that current problems relating to the submission of reports by States parties had been discussed at length at the most recent meeting of chairpersons of human rights treaty bodies held in February 1998. He would report to the Committee in due course on the various suggestions that had been made.

22. Mr. GONZÁLEZ POBLETE thought that the issue of non-submission of reports should be a focal point of the press conference to be held at the current session. Providing the press with a "blacklist" of countries that were not honouring that obligation would arouse interest and would be a good way of underscoring the importance of the Convention. Of course, allowance should be made for the smallest and poorest countries, which constituted a special case and would be omitted from the list.

23. Mr. BRUNI (Secretary of the Committee) said that a preliminary version of the report of the meeting of chairpersons of human rights treaty bodies was available in English and could be circulated to the members of the Committee; as soon as the final version had been produced and translated, it would also be distributed. He informed Mr. González Poblete that the Committee already provided the press with a list, prepared by the secretariat, of States parties whose reports were overdue. Of course, the matter could be raised separately at the press conference.

24. Mr. ZUPANČIČ agreed with Mr. González Poblete's suggestion. However, the preparation of a satisfactory report was no easy task and called for the participation of a large number of competent individuals, an exercise which

was beyond the means of some countries. Clear-cut criteria must therefore be established in order to decide whether or not a particular country had a valid excuse for not reporting on time.

25. Mr. SØRENSEN said that the question of what criteria to apply in that regard had been discussed at the meeting of chairpersons of human rights treaty bodies; it had been decided, for example, that any State with fewer than 1 million inhabitants fell into the small-country category.

26. The CHAIRMAN suggested reverting to the matter when the requisite material was available and proposed that the Committee should continue its proceedings in closed session in order to discuss its working methods.

27. It was so decided.

The public part of the meeting rose at 11 a.m.